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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,475	12/18/2000	Larry J. Eshelman	US000349***	4032
24737 7590 04/12/2007 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER MAHMOUDI, HASSAN	
			ART UNIT	PAPER NUMBER
			2165	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/739,475	Applicant(s) ESHELMAN ET AL.	
	Examiner Tony Mahmoudi	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-9 and 11-13 is/are allowed.
- 6) ☒ Claim(s) 6, 10, 14, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's Amendments overcome the previous rejections under the 2nd paragraph of 35 U.S.C. 112. The rejection is therefore withdrawn.
2. Applicant's arguments in view of the previous rejections under 35 U.S.C. 101 have been fully considered and they are deemed persuasive. The rejection is therefore withdrawn.
3. Applicant's arguments in view of the rejection of claims 6, 10, 14, 17, and 18 are fully considered but they are not found persuasive:

The Applicant argues that, "the cited patents describe no motivation to combine such technologies and would not have been obvious to one skilled in the art". The Examiner respectfully disagrees. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, all cited references teach inventions that are in the same field of endeavor and the Examiner maintains his obviousness statements as provided in the rejection of these claims in this Office Action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Blandford** (U.S. Patent No. 6,470,449) in view of **Metcalf** (U.S. Publication No. 2001/0027446 A1), and further in view of **Berenson et al** (U.S. Publication No. 2001/0049617.)

As to claim 6, **Blandford** teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting data towards the making of a new record in a calendar application (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24); and generating a diary record responsive to a result of the steps of accepting and prompting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach prompting a user for greater detail in an event defined by the record other than a time of occurrence.

Metcalf teaches prompting a user for greater detail in an event defined by the record other than a time of occurrence (see paragraph 25, where “prompting the user for greater detail from the user other than the time of occurrence”, is read on “prompting a user for and receiving from the user who/what information relating to the activity, why/how information

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relating to the activity, and where/when information relating to the activity”, and see “secondary interfaces may prompt the user to correct or supplement information if information that is not in a proper format is input, or if one or more required fields are skipped”, and “user is prompted to indicate the subject, in the who/what field 201 of FIG. 2, of the activity, as indicated by block 315”, in paragraph 35.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalf, because including prompting a user for greater detail in an event defined by the record other than the time of occurrence, would enable the user to enter additional information relating to the diary record, such as “who/what information relating to the activity, why/how information relating to the activity”, in order to complete and/or gather historical information regarding a diary record, as taught by Metcalf (See paragraph 25.)

Blandford as modified, still does not teach automatically generating a diary record.

Berenson et al teaches a web-driven calendar updating system (see Abstract), in which he teaches automatically generating a diary record (see Abstract, and see paragraph 19.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford as modified, by the teaching of Berenson et al, because automatically generating a diary record would enable the system to use data/information entered by a user and generate and/or update an entry in the calendar/diary system based on the user provided information.

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6. Claim 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Metcalf (U.S. Publication No. 2001/0027446 A1.)

As to claim 10, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

detecting one of a passage of time since an entry of a record into a diary database and a time of day (see column 3, lines 8-11, see column 4, lines 17-20, and see column 6, lines 54-60);

accepting data to form a new record in a diary (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24); and

adding a new record responsive to a result of the step of accepting (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach prompting a user to enter a diary entry responsively to the step of detecting.

Metcalf prompting a user to enter a diary entry responsively to the step of detecting (see paragraph 39 and 41.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalf, because including prompting a user to enter a diary entry responsively to the step of detecting, would enable the user to enter information relating to the diary record relative to the time or times when the transaction is to be performed, as taught by Metcalf (see paragraph 39.)

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As to claim 14, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

extracting current events or historical data from an external data resource (see column 4, lines 65-67, and see column 14, lines 49-60);

adding data resulting from the step of extracting to data resulting from the step of accepting to the diary database (see column 14, lines 30-42, and see column 15, lines 11-15.)

Blandford does not teach accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database.

Metcalf teaches accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database (see paragraphs 39-40 and 55.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teaching of Metcalf, because including accepting data descriptive of at least one of an appointment and an event for inclusion in a diary database, would enable the user to enter information relating to an event or an appointment, based on the actual time the event/appointment is to take place, as taught by Metcalf (see paragraph 39.)

7. Claims 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blandford (U.S. Patent No. 6,470,449) in view of Hayes-Roth (U.S. Publication No. 2002/0005865.)

As to claim 17, Blandford teaches a method of generating a diary record (see Abstract), comprising the steps of:

accepting user input data descriptive of personal events to be recorded in a diary database (see column 4, lines 58-59, and see column 15, line 66 through column 16, line 1, also see figure 24.)

Blandford does not teach:

sensing and classifying states, events, or moods of a user or the user's environment;

generating an index responsive to the step of sensing; and

adding the index and the user input to the diary database.

Hayes-Roth teaches authoring contents for interactive agents (see Abstract), in which he teaches:

sensing and classifying states, events, or moods of a user or the user's environment (see Abstract, and see paragraphs 39, 46-51, 84, 86, and 385.)

generating an index responsive to the step of sensing (see paragraph 65, and see figure 1);

adding the index and the user input to the diary database (see paragraph 389, and see figures 6-7.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Blandford by the teachings of Hayes-Roth, because including sensing and classifying states, events, or moods of a user or the user's environment; generating an index responsive to the step of sensing; and adding the index and the user input to the diary database, would enable the system to incorporate indicators of the user's mood changes, as well as other event/state variables with the diary records, so that the agent can retrieve contents based on the values of the state variables and user mood/behavior, as taught by Hayes-Roth (see paragraph 389.)

As to claim 18, Blandford teaches a data medium having instructions thereon for implementing a method for generating a diary record (see column 17, line 66 through column 18, line 14, and see column 18, lines 41-64.)

For the remaining steps of this claim, applicant is directed to the remarks and discussions made in claim 17 above.

Allowable Subject Matter

8. Claims 1-5, 7-9, and 11-13 are allowed over the prior art made of record.
9. Claim 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to

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37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (571) 272-4078. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached at (571) 272-4146.

tm

March 28, 2007


JEFFREY GAFFIN
SUPERVISORY/PATENT EXAMINER
TECHNOLOGY CENTER 2100